

Posted – April 3, 2008

REGULAR MEETING APRIL 7, 2008

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, April 7, 2008 at 7:00 P.M. at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.

ACTING AS A BOARD OF LICENSE COMMISSION

1. Public Hearing (Advertised)

Application of Aquidneck Development Company, Inc., d/b/a Lazar's Package Store holder of a Class A Alcoholic Beverage License for premises located at 554 West Main Road, Middletown, to TRANSFER

said license to East Bay Ventures, Inc., d/b/a Lazar's Package Store, for use at the same premises.

2. Public Hearing (Advertised; Abutters notified)

Application of East Bay Ventures, Inc. d/b/a Lazar's Package Store, holder of a Class A Alcoholic Beverage License for premises located at 554 West Main Road, Middletown to TRANSFER LOCATION of said license to 1360 West Main Road, Middletown and CHANGE OF DBA to Goode Spirits.

CONSENT CALENDAR

1. Approval of Minutes – Special Meeting, March 3, 2008.

2. Approval of Minutes – Regular Meeting, March 3, 2008.

3. Approval of Minutes – Special Meeting, March 17, 2008.

4. Approval of Minutes – Regular Meeting, March 17, 2008.

5. Senate Resolution declaring May 18, 2008 as “Worldwide Neighbor Day to Join Hands 4 Love”.

6. Resolution of the Council, re: Approving prioritized list of projects

for the Town's FY2008 CDBG application.

7. Memorandum of Interim Town Administrator, with enclosures, re: Tax Collector's Report for period ending March 31, 2008.

8. Memorandum of Interim Town Administrator, with enclosures, re: Financial Statements for the period ending February 29, 2008.

9. Memorandum of Interim Town Administrator, with enclosures, re: Fiscal Year 2008 – Tax Sale schedule.

10. Memorandum of Interim Town Administrator, with enclosures, re: West Main 1R Improvements from East Main Road to the John Kesson Lane project.

11. Communication of Police Chief Anthony Pesare, re: Accident statistics for intersections 1) West Main Road/Forest Avenue 2) West Main Road/Woolsey Road and 3) East Main Road/Forest Avenue.

12. Communication of Police Chief Anthony Pesare, re: Safety issue data for intersection of Paradise Avenue and Green End Avenue.

13. Communication of Carmen M. Salvadore, A.C.S.W., L.C.S.W., Workshop Director, James L. Maher, Center, re: Thanking the Town of Middletown for approving the James L. Maher Center's Civic Grant request during the 2008 fiscal year.

14. Communication of Town Clerk, Town of Burrillville, with enclosures, re: Resolution opposing House Bill 2008 – An Act Relating to Parks and Recreational Areas – Public Use of Private Lands – Liability Limitations.

15. Communication of Town Clerk, Town of Portsmouth, with enclosures, re: Resolution in Support of Amendments to RIGL 16-7-44. School Housing Project Costs.

16. Communication of Town Clerk, Town of Portsmouth, with enclosures, re: Request to approve the entitled resolution: “Resolution to the General Assembly in Support of House Bill 7108”.

17. Communication of Town Clerk, Town of South Kingstown, with enclosures, re: Resolution in Support of placing a \$15 Million State Bond Referendum for Open Space Programs on the ballot for the General Election in November.

18. Communication of Town Clerk, Town of East Greenwich, with enclosures, re: Resolution supporting passage of House Bill No. 7776.

19. Resolutions two (2) Town of Smithfield, re: 1) Global Warming 2)

To explore ways to reduce the cost of advertising Town matters.

20. Memorandum of Town Solicitor Francis S. Holbrook, with enclosures, re: Proposed changes to the Middletown Town Charter submitted by the Charter Review Committee.

21. Submission of Town of Middletown proposed budgets, Fiscal Year 2008-2009.

22. Petition of Charles F. McGeown and JoAnn C. McGeown by their Attorney Richard C. Tallo, re: Requesting compensation for property damage.

23. Petition of The National Grid Electric Company and Verizon for a new joint pole on Wave Avenue. (Roads & Utilities recommendation included)

24. Petition of The National Grid Electric Company and Verizon for a new joint pole on Honeyman Avenue. (Roads & Utilities recommendation included)

25. Memorandum of Interim Town Administrator, with enclosures, re: Sachuest Beach Building Roof Restoration.

26. Memorandum of Interim Town Administrator, with enclosures, re: Emergency Sole Source Purchases – Beach Building Roof/Restroom

Repairs.

27. Resolution of the Council, re: Approval of Beach Building Roof/Restroom Repairs.

28. Memorandum of Interim Town Administrator, re: Budget Transfers – School Department.

29. Resolution of the Council, re: Approval of budget transfers - School Budget.

30. Application of Thanh Dao dba LA Chic Nails, 57 East Main Road, for RENEWAL of Holiday License for the 2008-2009 licensing year.

TOWN COUNCIL

1. Memorandum of Police Chief, re: Swearing in ceremony.

2. Application of USV Optical, Inc. dba BJ's Optical #4306, 173 East Main Road, for a Holiday License for the 2008-2009 licensing year.

(NEW)

3. Application of East Bay Ventures, Inc. dba Lazar's Package Store, 554 West Main Road, for a Sunday Selling License for the 2008-2009

licensing year. (NEW)

4. Application of Bernie Catalano dba Catalano Construction, 10 Nate Whipple Highway, Cumberland, Rhode Island, for a Drain Layers License for the 2008-2009 licensing year. (NEW)

5. Application of A. DiFazio Construction Company, Inc., 1132 Shun Pike, Johnston, Rhode Island, for a Drain Layers License for the 2008-2009 licensing year. (NEW)

6. Application for Special Events Permit received from the American Cancer Society, Relay For Life of Aquidneck Island, Gaudet Middle School Track, Friday, May 9, 2008 – Saturday, May 10, 2008. Recreation Director Tim Shaw requests permit fee to be waived.

7. Applications three (3) for Special Events Permits received from the following named persons, firms or corporations: 1) Aquidneck Island Land Trust (ALT), Fiesta Verde, Newport Vineyards, 909 West Main Road 2) MacLellan and Walecka Wedding, Johnny's Atlantic Beach Club, 55 Purgatory Road 3) Crowley/Hanna Wedding, Dunlap/Wheeler Park.

8. Memorandum of Town Planner, with enclosures, re: Proposed Zoning Ordinance and Subdivision Regulations amendments – Conservation Subdivision Development procedures and standards. (Zoning Ordinance Amendments require Advertising for Public

Hearing)

9. Communication of David P. Martland, Esquire, 1100 Aquidneck Avenue, Attorney for Newport Animal Hospital, with enclosures, re: Requesting an amendment to the Zoning Ordinance – Amending Table 6-1 of the Zoning Ordinance to provide for the use “Offices of veterinarians and animal hospitals, including the indoor boarding of dogs, cats and other fur bearing animals” and that said use be allowed only by special use permit in the General Business (GB), Limited Business (LB), Office Business (OB) and Light Industrial (LI) zoning districts. Planning Board recommendation is attached. (Requires Advertising for Public Hearing)

10. Communication of Judith A. Saccardo and Charles R. Saccardo, 27 Algonquin Drive, re: Requesting Council to amend Section 602 of the Zoning Ordinance. (Requires Planning Board Recommendation)

11. Communication of Norman Champagne, 110 Maple Avenue, with enclosure, re: Requesting support of S 2364 - The Pocasset Bridge Case.

12. Communication of Antone C. Viveiros, 110 Indian Hill Road, re: Council procedures pertaining to the Consent Calendar.

13. Communication of Antone C. Viveiros, 110 Indian Hill Road, re:

Council procedures pertaining to appointing members to Town Boards and Committees.

14. Communication of Councillor Santos, re: Bond proposal relative to Open Space.

15. Memorandum of Interim Town Administrator, with enclosures, re: House Bill H-7776.

16. Resolution of Council, re: Supporting House Bill H-7776.

17. Memorandum of Interim Town Administrator, with enclosures, re: Award of contract for 2008/2009 Portable Toilets.

18. Resolution of the Council, re: Award of contract for 2008/2009 Portable Toilets.

19. Memorandum of Interim Town Administrator, with enclosures, re: Award of contract for Sachuest Beach Building Masonry Restoration.

20. Resolution of the Council, re: Award of contract for Sachuest Beach Masonry Restoration.

21. Appointment of one (1) member to the Senior Citizens Center Board of Directors, to complete a term expiring January 2009.

22. Appointment of one (1) member to the Information Technology Committee, for a term expiring September 2009.

23. Appointment of two (2) members to the Open Space and Fields Committee, for terms expiring November 2009.

24. Appointment of one (1) member to the Pension Trust Fund Investment Committee, for a term expiring February 2011.

25. Appointment of four (4) members to the Zoning Board of Review, one (1) regular member for a five (5) year term, the First Alternate, Second Alternate and Third Alternate, each for a one (1) year term.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

EXECUTIVE SESSION

Pursuant to the provisions of RIGL, Sections 42-46-2., 42-46-4 and 42-46-5. (a) (5) land acquisition, (2) collective bargaining and (1) personnel.

**Wendy J. W. Marshall, CMC
Clerk**

Town

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.